

January 24, 2011

The Common Council met as the Water Utility Board at 7:0 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Tom Hogan – Johnson Controls, Inc.; Jason and Carrie Topper; Larry Clark; Judy and David Whitten; Nancy Sexton; Larry Williams; Elaine Springer; Pam Robinson – Posey County News; Sara Manifold – Mount Vernon Democrat; and arriving during the meeting, Comm. Maynard; and Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Fuelling moved the claims presented be allowed for payment. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has no report.

Supt. Gray stated they had a rather large leak in the school parking lot at 8th and Harriet Streets over the weekend. He added it has been fixed with minimal damage to the parking lot itself.

Comm. Maynard arrived at the meeting.

Supt. Gray then stated the line that was broken was shut off and clamped and has since repaired. He added they have the 2010 Annual Report before them and he will only hit on some highlights: the department made 2600 customer service calls; the Mulberry Tower was painted inside and out as well as repairs made to the pipe in the tower; the department repaired a main on Estate Drive; the clear well had some work done on it earlier in the year; and they dismantled KROFTA #2 partially for a back up filter.

Supt. Givens arrived at the meeting.

Board member Hoehn asked if there were issues with reprogramming the KROFTA ?

Supt. Gray replied not really, they robbed parts off of it and as a result it lost programming. He added the company needs to get the city schedule for the reprogramming.

Chairman Curtis questioned the parts ?

Supt. Gray stated the electronics look sound and everything of value was salvaged.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked about the Financial Report.

Clerk-Treasurer Sitzman replied she has not seen it yet.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the Board has had a draft copy of the JCI performance contract since last meeting. She asked if there were any questions and added Mr. Hogan is present.

Board member Curtis stated he has no questions at this point, but added they discussed this (Phase III) during Phase I and Phase II, and he wondered if JCI could let the Board know some other projects that might need done, and present them in a prioritized manner.

Mr. Hogan replied the Board can put together a wish list to direct JCI, and possibly they could all have an "idea session" at some point.

Board member Hoehn agreed that would be a good idea, especially with Phase III coming up and he would also like to see an eight or 10 year plan that could possibly save the city money down the road.

Mr. Hogan stated they could put everything up on a board and see what they have, that is actually a great idea.

Board member Hoehn added he realizes too that there is concern on water reserves, etc.

Board member Curtis agreed that is a good idea. He then stated this item was tabled at the last meeting, after a motion and a second.

Mayor Tucker stated that being the case, is there any other discussion before a vote ?

There was none.

Mayor Tucker requested a roll call vote on proceeding with the JCI Performance Contract for Phase III.

Roll was called by the Clerk-Treasure with the Board voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated also under Legals there is a request for a water tap.

Attorney Higgins stated the Toppers are requesting a ¾" residential water tap on Cox Road North, on the west side of the road, and water is available on the east side of the road. She added Supt. Gray says he has no problem with the request and there is adequate pressure in the area. She concluded by stating the Toppers' paperwork is in and at her office.

Board member Askren moved the request to tap be given. Seconded by Board member Hoehn.

Mayor tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

Mr. Hogan approached and stated for three years he has been nominating the city for various award and he has always been turned down. He then stated he believes this time, he was successful and the city will be receiving an award from the AWWA – the first time a small city will receive such an

award. He added he believes the work that has been done here is nothing short of miraculous. He stated Supt. Gray will have to be interviewed and the actual award itself will be presented in Washington, DC at the AWWA National Conference. He again stated this is a great thing and shows a tremendous collaborative effort.

Mayor Tucker replied that is great news and agreed it has been a collective affair with tremendous progress being made. He would like to commend everyone for working together.

Mayor Tucker asked if there was any Old Business ?
There was none.

Mayor Tucker asked if there was any New Business ?
There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.
Board member Curtis moved the meeting be adjourned the meeting. Seconded by Board member Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloat; Chief Waters; Tom Hogan – Johnson Controls, Inc.; Larry Clark; Judy and David Whitten; Nancy Sexton; Larry Williams; Elaine Springer; Pam Robinson – Posey County News; Sara Manifold – Mount Vernon Democrat; Comm. Maynard; and Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?
There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling stated he has no report.

Comm. Maynard stated he has no report and they have the Annual Report before them. He will be happy to answer any questions they may have at the next meeting.
Mayor Tucker asked if there were any questions ?
There were none.

Police & Dog Chairwoman Askren stated she has no report.
Chief Beloit stated he has no report.
Mayor Tucker asked if there were any questions ?
There were none.

Fire Chairman Hoehn stated he has no report.
Chief Waters stated he has no report.
Mayor Tucker asked if there were any questions ?
There were none.

Sewer Chairwoman Higgins stated she has no report.
Supt. Givens stated he has no report.
Mayor Tucker asked if there were any questions ?
There were none.

Mayor Tucker stated the Financial Report was last meeting and asked if the Clerk-Treasurer had any Communications for the Council ?
Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.
Attorney Higgins stated the only item is the ordinance they had discussed at the last meeting, the Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title VII – Traffic Code, Chapter 75 – Parking Schedules – Schedule I – No Parking Zones. She reminded Council this is in reference to the alley just east of Taste of Home Café to Mulberry Street, on the north side of Water Street. Councilman Fuelling moved ordinance pass on first reading. Seconded by Councilwoman Higgins.
Mayor Tucker asked if there was any discussion ?
There was none.
Mayor Tucker requested a roll call vote.
Roll was called by the Clerk-Treasurer with Council voting as follows:
Askren – yes; Fuelling – yes; Hoehn – yes;
Curtis – yes; Higgins – yes.
Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?
Larry Clark approached and stated he would like to discuss the truck traffic on Kimball Street, it is getting heavier, especially now with the Ethanol plant up and running. He added trucks are going north AND south, and this is a residential street, with a park on it – not a truck route. He then stated the trucks are also tearing up the streets, not to mention that they do not stop at all at the 3-way STOP at Bluff and Kimball. It is beginning to be a nuisance, and those 80,000 lb trucks WILL tear up the city streets. He asked that the Council please look into this situation, as there are already holes in the intersection of 4th and Kimball.
Councilwoman Higgins stated on January 19 at 6:00 am she sat down there and saw trucks going south on Kimball – the city ok'd them going north, but not south. She added she took the names of those trucking companies and contacted the port, who in turn called the trucking companies. It is definitely a safety issue, especially before and after school with kids crossing 4th Street right there. She also agreed

it is not a truck route, the street runs by a park, there are no sidewalks, and it is not good. She then stated everyone from Mayor to Council has spoken with INDOT about this and they indicate it could take two to three years to get anything done, as they have to run studies, counts, etc. She added the port knows there is a problem and they are contacting the trucking companies, but they have also learned that if they block access to one street, the truckers will just go up a block to the next street. She then stated the port is very willing to work with the city on this and hopefully they will stop seeing the trucks going south on Kimball. She asked that if Mr. Clark sees trucks going south on Kimball to please call her.

Mr. Clark stated he witnessed a local trucking company, Poshard, going south on Kimball just today. Councilwoman Higgins stated will contact the port again tomorrow.

Councilman Fuelling stated the Council has had a lengthy meeting with INDOT and unfortunately there is no quick solution, there will need to be studies done, etc. He then stated it is a slow process with them.

Mr. Clark added it is beginning to be an issue.

Councilman Fuelling stated he realizes there is damage being done, even empty trucks bouncing down the street can cause damage.

Councilwoman Higgins stated they need to make going south on Kimball less convenient for the trucks, possibly slow them down with more STOP signs.

Councilman Hoehn replied they should make INDOT do what they need to do, and it is also the port's problem. He stated even Poshard, being local, doesn't pay any attention to it now, it is unsafe.

Mr. Clark stated the streets in town are not built for that.

Councilman Hoehn agreed and added the situation the way it is, is an accident waiting to happen.

Mr. Clark added they do not stop at Bluff and Kimball – he sees them, they do a roll stop and then follow right behind one another. They do it all the time.

Mayor Tucker stated Mr. Clark used to drive a truck for years, he knows what he is talking about. There have been studies done that indicate one fully loaded semi on a city street is equal to 10,667 cars.

Mr. Clark added a truck fully loaded can easily weigh 90,000 lbs.

Mayor Tucker stated the city can not regulate traffic on a state street, but it can on its own streets.

Councilman Hoehn suggested they draft an ordinance stating no truck traffic on Kimball Street, period, shut them down. He added the steps the city has taken so far are not being taken seriously.

Mr. Clark added that in the summer when the weather turns hot, the trucks will make ruts in the asphalt.

Councilman Curtis suggested weight limits be put in place, which seems to have worked in Lawrence Addition. He is concerned to do that though with the concrete plant being just down the street as well.

Councilman Hoehn replied there could be variances allowed in the ordinance.

Attorney Higgins suggested NO THRU TRUCK TRAFFIC, the police would prefer no trucks that have more than so many axles, for example. Like possibly only allowing pick up trucks to use that street.

Councilman Fuelling stated using the highway to exit the port is also just an accident waiting to happen.

Councilman Hoehn stated it is no different than at a 4-way STOP with kids running around in the area. He then suggested they push the envelope.

Councilwoman Higgins stated they will start roughing up streets, and if they can't use Kimball, they will then start to tear up Maple and Sawmill.

Councilman Curtis stated loaded trucks going south on Kimball almost have to be coming from the east, they then pass port road to make a left on Kimball.

Councilwoman Higgins asked if they would like for her to see if she can get the port director at their next meeting ?

Councilman Hoehn replied that won't do anything, a lot of the drivers are farmers with grain, transient tuckers, etc., they need a 100% fix. They need to stop it. He suggested they make the port fix the problem.

Councilman Curtis stated it isn't the port's problem, it is a State problem.

Councilman Hoehn added it is going to be a bigger problem and he suggests they move forward and shed this problem, it is a safety issue, and there is a park there.

Councilman Fuelling stated INDOT would argue that. INDOT would say having them exit from port road to the left is a very dangerous situation.

Councilman Hoehn stated it is a money, time, and safety issue for the city, no matter what. He added they need to take the truck traffic off of the city streets. He then stated INDOT is not taking care of their end of the deal – make the port scream, INDOT will listen to them before they listen to the city.

Councilwoman Higgins stated the squeaky wheel gets greased. She stated the east end of town as issues, and they need to do something.

Councilman Curtis asked Chief Beloit about how many tickets they write on Kimball ? He then wondered about a weight restriction of five tons.

Councilwoman Higgins stated they don't want to hurt the fast food restaurants in the area either as the trucks do park along side of Kimball to run into McDonald's and grab a sandwich.

Councilman Hoehn stated he says they should make an ordinance that would take effect in say six months, tell the port what is coming, and have them then get with the State about it. He added they will be having a steady stream of trucks now that the Ethanol plant is up and running.

Councilman Fuelling stated he likes the idea of a timeframe.

David Whitten approached and stated he fully understands the issue of the truck traffic on Kimball Street as one day he was in the "suicide lane" on E. 4th Street attempting to go north onto Tile Factory Road and was nearly nailed by a truck that came flying south on Kimball, making a left hand turn onto E. 4th Street. He added the trucker never slowed down, never looked, never saw him – luckily he could back up some to allow more room for the turn. He then asked if trucks were prohibited from turning left onto a State highway ?

Attorney Higgins the easier it is to identify a violation, the easier it is to enforce. She added a five ton weight limit might work.

Councilman Hoehn suggested no thru truck traffic over 25,000 lbs.

Comm. Maynard added the packer truck weights 26,000 empty.

Supt. Givens also added the Vac Con truck would also need to access that road.

Attorney Higgins replied utility services (water, sewer, street, Vectren) would be an exception.

Councilwoman Higgins stated not all the trucks go to the port, some turn onto 2nd Street to go west.

Councilman Hoehn stated every southbound artery to 4th Street would need to be restricted if the Council truly wants to stop this.

Mayor Tucker added the port director is a great guy, and with the news media coverage that this is going to get tonight, hopefully something will get done.

Councilwoman Higgins stated the problem probably won't get better.

Councilman Hoehn added they need to move forward tonight with having Attorney Higgins draft an ordinance, start the document in motion.

Councilman Curtis stated Council needs to give Attorney Higgins direction.

Councilman Hoehn stated he says YES to no thru truck traffic.

Councilwoman Higgins stated start something.

Attorney Higgins questioned the streets they want to include ?

Councilwoman Higgins replied Kimball, Maple, and Sawmill.

Attorney Higgins stated in reference to "truck", she can get a definition in the traffic code and she will include from 4th Street to the 3-way stop at Maple and Bluff.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

Nancy Sexton approached and questioned the ordinance that passed first reading tonight – no parking on Water Street ?

Councilman Fuelling replied by explaining they are wanting NO PARKING on the north side of Water Street, from the alley just east of Taste of Home to Mulberry Street. He stated the cars are parking in the front yard of that residence and tearing up the yard, as there is no sidewalk in front of the residence.

Ms. Sexton stated restricting parking is a horrible idea and suggested the resident put sticks/stakes in her yard to prevent folks from parking there. She added the Council and others are working to draw attention to the riverfront and now they want to restrict parking ?

Councilman Fuelling replied they only want to restrict parking on the north side, not the south side, and only in front of this residence.

Ms. Sexton stated no one ever parks in that yard. She added the restaurant had a good business – people park in front of her house, and she doesn't care. She has a sidewalk and she put it in herself.

Councilman Fuelling replied this person doesn't have a sidewalk.

Ms. Sexton again stated that the resident should put a stake up.

Councilman Fuelling replied that is not an option. He added the Council is taking this ordinance slowly, which is why they did not pass it tonight, they want to hear opinions.

Ms. Sexton questioned River Days – she assumes that resident doesn't want any food concession vendors in front of her house either ?

Councilman Fuelling replied no, that is correct. He again stated people are parking in her yard.

Ms. Sexton stated they are parking there because she says so ? She then asked where the resident's property line is because she knows where hers is. She added she put her own sidewalk in on city property – people have the entire block to park why would they park in front of that one house, why ?

Councilman Fuelling stated they still have a second and third reading to go on this, and everyone's opinion needs to be considered.

Ms. Sexton asked if they are willing to listen to everyone on all suggestions ?

Councilman Fuelling replied yes, they appreciate the input.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

Larry Williams stated River Days is fabulous, the riverfront is fabulous, now, the River Days

Committee needs help from the public on working on this committee and getting this event organized. He added the next generation needs to step up and he would ask that everyone consider helping - if they enjoy River Days.

Councilwoman Higgins agreed they need “new blood” as it is easy to get burnt out and overwhelmed. She added they need more than just the 12 or so folks that they currently have running things.

Mayor Tucker added that since 2008 there have been 46 activities at the riverfront and downtown area. He stated he would like to see 46 in one season once the riverfront is completed.

David Whitten stated they also need to remember that the city's Bi-Centennial is approaching as well.

Councilwoman Higgins added that she did apply for a Leadership Evansville Award and she believes they will be up for that first award.

Mr. Clark added Mt. Vernon has the best river view of any city around.

Mayor Tucker asked if anyone else wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

Councilman Fuelling stated he would like approval of the Mayor and the Council to form a committee to start addressing some city ordinances relative to cars, trash, dilapidated houses, lids on trash

containers, etc. to answer some citizens' concerns. He added Councilman Hoehn has already volunteered and he would like members of the various city departments that these issues effect to also sit on the committee. He added he can get ideas together and bring them to the Council, an ordinance can then be drafted with the help of Attorney Higgins and they can take another look at some of these items. He added he promises the committee will be reasonable and no one will lose their job as a result of this committee. He stated he would like approval to get this committee together, it's time. Councilwoman Askren agreed and added she and Councilwoman Higgins would like to also form a committee to look into a new police/fire/city hall building. She added there is black mold in the basement of city hall.

Councilman Fuelling stated he would like to thank Supt Gray for his relentless efforts on moving the crows – a great improvement.

Council agreed on the forming of committees.

Councilman Hoehn asked about personal mobility devices – many folks have nearly hit them as they are in the street and it is a safety issue.

Chief Beloit replied the police department does get complaints about them, but they can not do anything about it. He added the folks that use them are disabled, there are no sidewalks to get them where they need to go – lots of communities have issues with these and they do make them put flags on them or orange SLOW MOVING VEHICLE triangles. He agreed it is a concern but he is not sure what the city can do about it, there isn't a solution that he is aware of.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilman Hoehn stated he has no report.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated at their next meeting, around 6:00 pm he would like to have a Council photo done.

Councilmen Hoehn and Curtis both indicated they would not be able to make it.

Mayor Tucker stated they will need to reschedule, possibly before the meeting on the 28th.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilman Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported he motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

